

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jason Tope,

Civil No. 09-734 (DWF/RLE)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Joan Fabian, Commissioner of
Corrections; Health Services,
MCF-Stillwater; Lynn Dingle;
Dr. David Paulson, CMS; and
Maureen Conner, MCF-Stillwater;

Defendants.

Jason Tope, *Pro Se*, Plaintiff.

Margaret E. Jacot, Assistant Attorney General, Minnesota Attorney General's Office, counsel
for Defendants Joan Fabian and Dr. David Paulson.

Based upon the Report and Recommendation of United States Magistrate Judge
Raymond L. Erickson, and after an independent review of the files, records and
proceedings in the above-entitled matter,

IT IS HEREBY ORDERED that:

1. The Defendants' Motion for Summary Judgment (Doc. No. [31]) is

GRANTED.

2. The Plaintiff's Motion to Dismiss Lynn Dingle and Maureen Connor (Doc. No. [41]) is **GRANTED**, but that the Plaintiff's Motion to Effect Service (Doc. No. [41]) is **DENIED AS MOOT**.

3. The action is **DISMISSED, WITHOUT PREJUDICE**, for failure to exhaust administrative remedies.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 19, 2010

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge